

REMARKS

Amendments to the Claims

By this amendment, Applicant has amended claims 1, 32, 65, 68, 75, 78, 79, and 84. Claims 4, 5, 26, 28-31, 34, 45, 49-50, 61, 66-67, 71-74, 76 and 77 have been cancelled. New claims 46, 87 and 88 have been added.

35 U.S.C. §112

According to the Office Action, claims 13-15, 32, 45, 77-79 and 84 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of this amendment, Applicant requests reconsideration and withdrawal of the rejections.

Applicant has amended claim 1 to provide proper antecedent basis for claims 13 – 15. With respect to the other Section 112 claim rejections Applicant has revised each referenced claim in accordance with the Examiner's comments set forth in the office action. Applicants request withdrawal of the rejections of these claims.

35 U.S.C. §102

According to the Office Action, claims 75, 77, 78 and 80-84 under 35 U.S.C. §102(e) stand rejected as being anticipated by U.S. Pat. No. 6,379,350 to Sharkey et al. ("Sharkey").

Claim 75 has been amended to recite that the digestion electrode has a positive connection with a voltage supply. This claim limitation is not described or suggested in Sharkey. Accordingly, Applicants request withdrawal of the rejection of claim 75. The other claims rejected under Section 102 depend from claim 75. Applicants request withdrawal of the rejections of these claims for the same reason that claim 75 is allowable.

35 U.S.C. §103

Claim 85 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sharkey in view of U.S. Pat. No. 5,785,705 to Baker.

The Baker patent does not make up for the deficiencies mentioned above in connection with Sharkey. No combination of Baker and Sharkey teach all claim limitations, a requirement for a proper *prima facie* case of obviousness.

In view of the above, applicant respectfully requests withdrawal of the rejection under §103(a).


Allowable Subject Matter

Applicant's attorney expresses gratitude to the Examiner for the indication that claims 1-3, 6-12, 16-25, 27, 33, 35-44, 47, 48, 51-60, 62-65, 68-70, and 86 are allowed and that claims 13-15, 32, 45, and 79 would be allowable if amended as recited in the Office Action.

IN CLOSING

Applicant believes all outstanding issues raised in the previous Office Action are addressed herein and that the claims are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 735-6323.

Respectfully submitted,



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